

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

<p>RACHEL CYMBALISTA and ARIEL CYMBALISTA, on behalf of themselves and all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>JPMORGAN CHASE BANK, N.A.,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 2:20-CV-00456</p> <p>Hon. Rachel P. Kovner, USDJ Hon Lois Bloom, USMJ</p>
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**CONSENT MOTION OF PLAINTIFFS RACHEL AND ARIEL CYMBALISTA FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT AGREEMENT**

PLEASE TAKE NOTICE that pursuant to FED. R. CIV. P. 23 and upon the accompanying *Plaintiffs' Memorandum of Law in Support of Consent Motion for Preliminary Approval of Class Action Settlement* and the Declarations of Joseph S. Tusa, Oren Giskan and Roger Heller, and all prior pleadings and proceedings heretofore had herein, Plaintiffs Rachel and Ariel Cymbalista ("Plaintiffs"), by and through their respective counsel and proposed Settlement Class Counsel, will hereby move this Court on a date and at a time designated by the Court, at the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, for preliminary approval of the *Settlement Agreement and Release* annexed as Exhibit 1 to Declaration of Joseph S. Tusa and entry of the proposed *Order Granting Preliminary Approval of Class Settlement and Directing Class Notice*, Exhibit A to the *Settlement Agreement and Release*.

PLEASE TAKE FURTHER NOTICE that Plaintiffs believe that the proposed Settlement is fair, reasonable and adequate and, therefore, that the Court should enter the proposed *Order Granting Preliminary Approval of Class Settlement and Directing Class Notice*, which, among other things: (1) grants Preliminary Approval of the Settlement Agreement; (2) certifies the Settlement Class for

settlement purposes; (3) appoints Plaintiffs as the named representatives for the proposed Settlement Class; (4) appoint the law firms of Tusa P.C., Giskan Solotaroff & Anderson LLP and Lieff Cabraser Heimann & Bernstein LLP as Settlement Class Counsel; (5) approves KCC Class Action Services LLC as the Settlement Administrator; (6) stays all ongoing and future proceedings unrelated to Settlement; (7) approves the proposed class notice program, including the form, content and methods of distribution of the forms of notice; (8) schedules a Final Approval Hearing to consider whether the Settlement should be granted final approval; (9) sets deadlines and procedures for Settlement Class Members to opt-out or object to the Settlement; (10) sets deadlines and a procedure for the Parties to submit papers in support of final approval of the Settlement; and (11) set deadlines and a procedure for Plaintiffs' counsel (and proposed Settlement Class Counsel) to submit an application for the payment of proposed Settlement Class Counsel attorneys' fees and reimbursement of reasonable expenses

PLEASE TAKE FURTHER NOTICE that defendant JPMorgan Chase Bank, N.A. consents to Plaintiffs' motion for Preliminary Approval, provisional certification of the Settlement Class for settlement purposes and entry of the proposed *Order Granting Preliminary Approval of Class Settlement and Directing Class Notice*.

Dated: April 9, 2021

Respectfully submitted,

By: /s/ Joseph S. Tusa
Joseph S. Tusa

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